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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,866	06/28/2001	Eyal Shekel	233-97	3120

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EXAMINER

PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 10/29/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/892,866

Applicant(s)

SHEKEL ET AL.

Examiner

Tim Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Applicants' election without traverse of Group I-A, Claims 1-14, in Paper No. 4 is acknowledged.

The Restriction mailed on or about 14th August 2003 has been carefully reviewed and is held to be proper. Moreover Applicants did not distinctly and specifically point out any error in the Restriction Requirement. Accordingly, Claims 15-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Groups, there being no allowable generic or linking claim.

The Restriction filed on or about 14th August 2003 is hereby **made Final**.

Applicants are required to cancel these nonelected claims (15-24) or take other appropriate action.

An Office Action on the merits of Claims 1-14 now follows.

Title

2. The following title is suggested: "An Apparatus For Manufacturing A Fiberoptic Device".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Several phrases in the claims are vague, indefinite, awkwardly and/or confusingly worded, the claims of the apparatus are being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The claims do not provide proper interrelationship among recited elements, only a catalogue of unrelated parts and the apparatus claims are a nonfunctional means, not an interrelationship of elements, for example:

- "a first stage" (Claim 1, line 3), it is unclear and vague;

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- “disposed on” (Claim 1, lines 4 and 8), it is vague and indefinite to be operatively associated with other elements;
- “a second stage” (Claim 1, line 7), it is unclear and vague;
- “a Y-axis” (Claim 1, line 11), it provides no sufficient interrelationship with other elements;
- “a Z-axis” (Claim 1, line 14), it provides no sufficient interrelationship with other elements;
- “a third stage” (Claim 2, line 3), it is unclear, vague and provides no sufficient interrelationship with other parts;
- “vertical axis” (Claim 10, line 3), it has no antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-3, 6, 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuhara et al (US 5,677,973) hereinafter '973 in view of Hinterlong et al (US 5,394,498) hereinafter '498.

As applied to claims 1, 10, 11, 13 and 14, the '973 teaches an apparatus for making an optical fiber array (Cf. Fig. 1) which reads on applicants' claimed limitations, including:

- a fiber rotating and gripping member (Cf. Fig. 1, elements 9a & 9b) linked to a computer or robotic controller (Cf. Fig. 1, element 10) to adjust the fiber position;
- a holding member or silicon slab (Cf. Fig. 1, element 3) with grooves where the fiber is located;
- a camera (Cf. fig. 1, element 6) directed toward the positioning of fiber on the holding member or slab (Cf. Fig. 1, element 3).

The '498 teaches that a second camera (Cf. Fig. 3, element 107) directed toward the end face of the fiber (Cf. Fig. 3, element 12) and being gripped by the fiber manipulator (Cf. Fig. 3, element 116) is computer or robotics controlled (Cf. column 8, lines 65-68) to automate manufacturing process.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two teachings by applying the reference of the second camera, not its body structure as taught by the '498 in order to accurately position the fiber array by referencing its light coming from each fiber core.

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As applied to claims 2, 3 and 6, the '973 teaches a weight or cover (Cf. Fig. 1, element 5) that presses the fiber against the slab or holding member (Cf. Fig. 1, element 3) in horizontal plane direction.

Allowable Subject Matter

7. Claims 4, 5, 7-9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 703-605-0707. The examiner can normally be reached on M - F, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

TP

Tim Phan
Examiner
Art Unit 3729

CJA

**CARL J. ARBES
PRIMARY EXAMINER**

tp
October 22, 2003